

REMARKS

Claims 1-10 and 12-52 are currently pending in the present application. Claims 1-10, 12-28, 36-41 and 44 have been allowed.

RESPONSE TO OBJECTIONS

At page 2, ¶ 2 of the Office Action, the Examiner maintains the objection to the current ordering of claims. However, at page 2, ¶ 3 of the Office Action, the Examiner indicates that the order suggested by the Applicant (i.e., claims 1-2, 45, 3-10, 46-48, 12, 22, 13-17, 49, 18-21, 23-27, 39, 28, 50, 29-30, 35, 52, 31-34, 36-38, 40-44, 51) is acceptable. The Examiner also notes at page 2, ¶ 2 of the Office Action that correction may be made by examiner's amendment.

Applicant agrees that correction by examiner's amendment is the most appropriate method for reordering the claims once the set of otherwise allowable claims is finalized. In order to facilitate the Examiner in this respect, should the currently amended claims be deemed allowable, the following table provides the correspondence between the claim numbers in the current application and the claim numbers in the issued patent. Since many of the claims depend from other claims, the below table also specifically indicates the current claim dependency as well the dependency following reordering (in bold if different from current dependency).

| Pending Claim No. | Pending Claim Dependency | Claim No. Following Reordering | Dependency Following Reordering |
|-------------------|--------------------------|--------------------------------|---------------------------------|
| 1 | None | 1 | None |
| 2 | 1 | 2 | None |
| 3 | 2 | 4 | 2 |
| 4 | 2 | 5 | 2 |
| 5 | 4 | 6 | 5 |
| 6 | 2 | 7 | 2 |
| 7 | 2 | 8 | 2 |
| 8 | 7 | 9 | 8 |
| 9 | 8 | 10 | 9 |
| 10 | 9 | 11 | 10 |
| 12 | 1 | 15 | 1 |
| 13 | 22 | 17 | 16 |

| 14 | 22 | 18 | 16 |
|-------------------|--------------------------|--------------------------------|---------------------------------|
| Pending Claim No. | Pending Claim Dependency | Claim No. Following Reordering | Dependency Following Reordering |
| 15 | 22 | 19 | 16 |
| 16 | 15 | 20 | 19 |
| 17 | 22 | 21 | 16 |
| 18 | 22 | 23 | 16 |
| 19 | 18 | 24 | 23 |
| 20 | 19 | 25 | 24 |
| 21 | 20 | 26 | 25 |
| 22 | 12 | 16 | 15 |
| 23 | 22 | 27 | 16 |
| 24 | 23 | 28 | 27 |
| 25 | None | 29 | None |
| 26 | 25 | 30 | 29 |
| 27 | None | 31 | None |
| 28 | 27 | 33 | 31 |
| 29 | 28 | 35 | 33 |
| 30 | 29 | 36 | 35 |
| 31 | 29 | 39 | 35 |
| 32 | 31 | 40 | 39 |
| 33 | 32 | 41 | 40 |
| 34 | 32 | 42 | 40 |
| 35 | 29 | 37 | 35 |
| 36 | 28 | 43 | 33 |
| 37 | 36 | 44 | 43 |
| 38 | 28 | 45 | 33 |
| 39 | 27 | 32 | 31 |
| 40 | 27 | 46 | 31 |
| 41 | 40 | 47 | 46 |

| | | | |
|-------------------|--------------------------|--------------------------------|---------------------------------|
| 42 | 41 | 48 | 47 |
| Pending Claim No. | Pending Claim Dependency | Claim No. Following Reordering | Dependency Following Reordering |
| 43 | 42 | 49 | 48 |
| 44 | 41 | 50 | 47 |
| 45 | 2 | 3 | 2 |
| 46 | 9 | 12 | 10 |
| 47 | 46 | 13 | 12 |
| 48 | 47 | 14 | 13 |
| 49 | 22 | 22 | 16 |
| 50 | 28 | 34 | 33 |
| 51 | 41 | 51 | 47 |
| 52 | 29 | 38 | 35 |

RESPONSE TO REJECTIONS

Written Description Rejections

Claims 29-35, 42, 43, and 45-52 remain rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement on various bases. Without necessarily agreeing with the position advanced by the Examiner, Applicant notes that the Examiner's concerns regarding written description support are mooted by the current amendments. In particular, claim 29 (from which claims 30-35, and 52 depend), claim 42 (from which claim 43 depends), claim 45, claim 46 (from which claim 47 depends), and claims 48-51, have been amended to further limit the claim from which these claims depend only with respect to the histidine content of the peptide. Claims 29, 42, 45 and 48-51 have been amended to specify that "about 40% to about 60%" of the amino acids are histidine." This range of histidine content is literally taught as preferred in the current specification at page 12, line 15. Claim 46 has been amended to specify "at least about 40%" of the amino acids are histidine, thus defining a histidine content of 40-80% for this claim. This range finds literal support in the current specification at page 12, lines.

In view of the above , each of the presently pending claims in this application is believed to be in immediate condition for allowance; however, if the Examiner disagrees, the applicants respectfully request that the Examiner telephone the undersigned at (302) 888-6210.

Applicant believes that no other fee is due in connection with this response. If there are any other fees due in connection with the filing of this response, including any fees required for an extension of time under 37 CFR 1.136, such an extension is requested and the Commission is authorized to charge any debit or credit any overpayment to Deposit Account No. 03-2775, under Order No. 05627-00005-USA from which the undersigned is authorized to draw.

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Respectfully submitted,

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